

July 20, 2009

VIA OVERNIGHT DELIVERY

Daniel D. Opalski
USEPA Region 10
1200 Sixth Avenue
Mail Code: ECL-117
Seattle, WA 98101

**Re: In the Matter of Avery Landing Site, Administrative Settlement Agreement and
Order on Consent (CERCLA Docket No. 10-2008-0135)**

Dear Mr. Opalski:

This responds to your July 14, 2009 e-mail inquiry regarding the subject dispute.

1.a. AOC negotiations regarding the Analyte List.

During the negotiations that led up to the AOC, I do not recall any specific discussion regarding the list of analytes that would be subject to further site characterization. The list of chemicals that was identified in the signed AOC in Paragraph 9 consisted of those chemicals which exceeded state or federal risk-based guidelines for soils, ground water and surface water. This list of chemicals was based on site investigations conducted at the Site by EPA and by Potlatch from approximately 1990 to the present. Potlatch and its consultant assumed that such a list of chemicals would be identical or substantially similar to the list of analytes that would be subject to further site characterization. The list of chemicals that were identified in the signed AOC is reproduced under the title "AOC."

As EPA and Potlatch developed the specific future sampling work at the Avery Landing during the EE/CA process, the list of chemicals in the AOC were re-evaluated and modified slightly. The modifications are the result of a careful review of previous sampling results and the known history of the site. Together this information was synthesized into a working model of the history of contamination at the site as well as the hydrologic function and chemical pathways. Based on this synthesis, a list of Contaminants of Potential Concern (COPCs) were identified by Potlatch and approved by EPA in the EE/CA Work Plan.



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The final list of chemicals that was provided in the approved EE/CA Work Plan is also reproduced in the attached table under the title "EE/CA." The EE/CA list of COPCs is very similar to the identified compounds in the AOC.

As EPA and Potlatch developed the supporting work plans to the EE/CA, in particular the Field Sampling Plan and Quality Assurance Plan, EPA has insisted on a significantly broader suite of chemical analytes than agreed upon in the EE/CA Work Plan and specified in the AOC.

The final list of chemicals now required by EPA is reproduced in the attached table under the title "EPA Required." This expanded list of chemicals is the basis for the dispute resolution currently being discussed. A review of the attached table shows that EPA is now requiring significantly more analysis than was previously agreed upon. There has been no new information identified by EPA after the execution of the AOC or after the approval of the EE/CA Work Plan to justify the expanded requirements.

1.b. AOC Negotiations Regarding Data Validation.

During the negotiations that led up to AOC I do not recall any specific discussions regarding the necessary level of data validation. The AOC specified that the QAPP should be prepared in accordance with specified EPA guidance documents. See AOC at Paragraph 17.b. Potlatch's consultant assumed that the level of data validation proposed by Potlatch in the QAPP (which was subsequently disapproved by the OSC) would be sufficient based on their prior experience at dozens of similar superfund sites. Such an assumption was also based on the fact that neither of the EPA guidance documents identified in Paragraph 17.b specifies that CLP-equivalent deliverable packages are required. They do state that laboratory analytical data needs to be validated and verified, but do not specify the level. The most relevant EPA guidance document entitled "Guidance on Environmental Data Verification and Data Validation" (EPA QA/G-8)(EPA 2002)¹ does not state that CLP-equivalent laboratory analytical data packages or validation is required when conducting environmental investigations. Potlatch believes that the data validation proposed in its QAPP is entirely consistent with the AOC requirements. Also as an additional accommodation, Potlatch has agreed to submit CLP equivalent deliverables for specific samples upon EPA's request.

¹ The EPA referenced document EPA QA/G-5 (EPA /600/R-98/018) in the AOC has been replaced by the more recent EPA/240/R-02/009 (December 2002) Guidance on Developing Quality Assurance Project Plans.



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2. Cost to Implement the AOC.

A cost estimate for implementing the EE/CA and the Treatability Study is \$250,000, if Potlatch conducted the analyses that were proposed in its initial support plans (and the approved EE/CA Work Plan). The additional cost for EPA-required sample analyses, CLP-equivalent laboratory deliverable packages and additional data validation and management totals about \$38,000. This represents a fifteen percent (15%) increase in the costs of performing the EE/CA. Therefore, the total cost for implementing the EE/CA and Treatability Study would now be approximately \$288,000.

Thank you for your consideration of this additional information. Please let me know if you have any additional questions.

Very truly yours,

Kevin J. Beaton

KJB:ww

Enclosure

cc: Richard Mednick

COMPARISON TABLE OF AOC AND WORK PLAN ANALYTES

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COMPARISON TABLE OF AOC AND WORK PLAN ANALYTES

Compound Analytes	Soil			Groundwater and Floating Product			Surface Water & Floating Product			Sediment		
	AOC	EE/CA	EPA Required	AOC	EE/CA	EPA Required	AOC	EE/CA	EPA Required	AOC	EE/CA	EPA Required
<u>Metals:</u>	<u>Metals</u>	<u>Metals</u>	<u>Metals</u>	<u>Metals</u>	<u>Metals</u>	<u>Metals</u>	<u>Metals</u>	<u>Metals</u>	<u>Metals</u>	<u>Metals</u>	<u>Metals</u>	<u>Metals</u>
Aluminum			X	X	X	X	X	X	X		X	X
Arsenic	X		X	X	X	X	X	X	X		X	X
Iron	X		X	X	X	X	X	X	X		X	X
Lead	X		X	X	X	X	X	X	X		X	X
Manganese	X		X	X	X	X	X	X	X		X	X
Mercury	X		X	X	X	X	X	X	X		X	X
Antimony			X			X			X			X
Barium			X			X			X			X
Beryllium			X			X			X			X
Calcium			X			X			X			X
Cadmium			X			X			X			X
Chromium			X			X			X			X
Cobalt			X			X			X			X
Copper			X			X			X			X
Magnesium			X			X			X			X
Nickel			X			X			X			X
Potassium			X			X			X			X
Selenium			X			X			X			X
Silver			X			X			X			X
Sodium			X			X			X			X
Thallium			X			X			X			X
Vanadium			X			X			X			X
Zinc			X			X			X			X

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